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REFERENCE TITLE: **municipal incorporation; technical correction**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2066

Introduced by
Representative Nelson

AN ACT

AMENDING SECTION 9-101.01, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL INCORPORATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-101.01, Arizona Revised Statutes, is amended to
3 read:

4 9-101.01. Incorporation, urbanized area

5 A. Notwithstanding any other provisions of law to the contrary, all
6 territory within six miles of an incorporated city or town, as the same now
7 exists or may hereafter be established, having a population of five thousand
8 or more as shown by the most recent federal census, and all territory within
9 three miles of any incorporated city or town, as the same now exists or may
10 hereafter be established, having a population of less than five thousand as
11 shown by the most recent federal census is declared to be an urbanized area.

12 B. No territory within an urbanized area shall hereafter be
13 incorporated as a city or town, and the board of supervisors shall have no
14 jurisdiction to take any action upon a petition to incorporate a city or town
15 within such area, unless EITHER:

16 1. There is submitted with the petition for incorporation a resolution
17 adopted by the city or town causing the urbanized area to exist approving the
18 proposed incorporation. ~~;- or~~

19 2. There is filed with the board of supervisors an affidavit stating
20 that a proper and legal petition has been presented to the city or town
21 causing the urbanized area to exist requesting annexation of the area
22 proposed for incorporation and such petition has not been approved by a valid
23 ordinance of annexation within one hundred twenty days of its presentation.

24 C. If such resolution or affidavit is filed with the board of
25 supervisors, the board shall proceed with incorporation of the area.

26 D. Notwithstanding any other provisions of this section to the
27 contrary, no portion of the territory of any city or town incorporated prior
28 to ~~the effective date of this section~~ JUNE 20, 1968 shall be declared to be
29 an urbanized area. In the event any such city or town shall be declared to
30 have been unlawfully incorporated by the final judgment of a court of
31 competent jurisdiction after ~~the effective date of this section~~ JUNE 20,
32 1968, all or any portion of the territory thereof may be incorporated without
33 regard to any of the provisions of this section, provided petitions praying
34 for the incorporation thereof or petitions praying for the calling of an
35 election for such purpose shall be filed with the board of supervisors within
36 one year from the date upon which such judgment shall become final.